

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:)

Sherwin-Williams Co.)
11541 S. Champlain Ave.)
Chicago, Illinois)

Respondent.)

DOCKET NO. V-W-84-R-059

EPA Region 5 Records Ctr.



355895

CONSENT AGREEMENT AND FINAL ORDER

A Complaint was filed pursuant to sections 3006(b) and 3008(a)(1) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§6926 and 6928(a)(1), respectively, and the U.S. Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is Sherwin-Williams Company.

STIPULATIONS

The parties, desiring to settle this action, enter into the following stipulations:

1. Respondent has been served with a copy of the Complaint in this matter and the Regional Administrator has jurisdiction over this matter, pursuant to section 3008 of RCRA, 42 U.S.C. §6928.

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2. Respondent owns and operates, among other things, a hazardous waste management facility located at 11541 S. Champlain Avenue, Chicago, Illinois.

3. Respondent achieved interim status through timely submittals of a notification of hazardous waste activity and Part A of the application for a RCRA permit.

4. Respondent neither admits nor denies the specific factual allegations contained in the Complaint.

5. Based upon submittals made by Respondent to U.S. EPA and the Illinois Environmental Protection Agency after issuance of the Complaint, and upon U.S. EPA's review of those submittals for conformance with the RCRA regulations, Complainant believes Respondent has achieved compliance with the provisions of 35 Ill. Adm. Code §§725.243, 725.247.

6. Respondent consents to the issuance of this Order, hereinafter recited, and hereby consents to the payment of a civil penalty in the amount hereinafter indicated.

FINAL ORDER

Based upon the foregoing stipulations, the parties agree to the entry of the following Consent Agreement and Final Order (CAFO) in this matter:

A. Respondent shall immediately, upon the signing of this CAFO, achieve and maintain compliance with the requirements for

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owners and operators of hazardous waste management facilities contained in 35 Ill. Adm. Code Part 725.

B. Within 30 days of the effective date of this CAFO, Respondent shall pay a civil penalty in the amount of Eight Thousand Dollars (\$8,000.00) payable to the Treasurer of the United States of America and mailed to the Regional Hearing Clerk, U.S. EPA, Region V, 230 South Dearborn, Chicago, Illinois 60604.

Notwithstanding any other provision of this Order, an enforcement action may be brought pursuant to section 7003 of RCRA or other statutory provisions should U.S. EPA find that the handling, storage, treatment, transportation or disposal of solid waste or hazardous waste at the facility presents an imminent and substantial endangerment to human health or the environment.

Agreed to this 27th day of November, 1984.

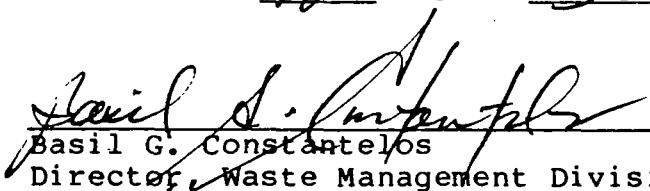

Respondent

Vice President and General Counsel
and Assistant Secretary
Title

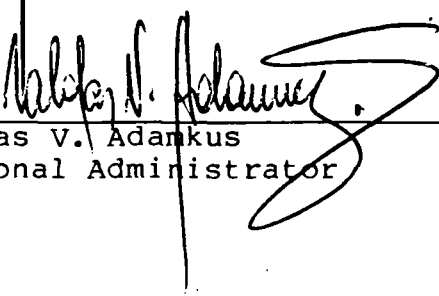
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Agreed this 18th day of December, 1984.


Basil G. Constantelos
Director, Waste Management Division
Complainant

It is being Agreed, it is so Ordered, this 19th day of December, 1984.


Valdas V. Adamkus
Regional Administrator

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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

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Brehm
C.C.H.
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REPLY TO ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. D. T. Rehor
Plant Manager
Sherwin-Williams Company
11541 S. Champlain Avenue
Chicago, Illinois 60628

ENF. File

Re: Consent Agreement and Final Order
Sherwin-Williams Company
Docket Number V-W-84-R-059

Dear Mr. Rehor:

This letter is to acknowledge receipt of the Consent Agreement and Final Order No. V-W-84-R-059. A fully executed copy of the Consent Agreement and Final Order is enclosed for your files.

Your cooperation in resolving this matter is appreciated.

Very truly yours,

William H. Miner

William H. Miner, Chief
Hazardous Waste Enforcement Branch

Enclosure

cc: ILL EPA
C.T. Corporation Systems

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